

AGENDA

EXECUTIVE COMMITTEE OF THE STATE BAR COURT

Open Session

Wednesday, December 13, 2006

3:00 p.m.

In-person and by Video Conference

1149 South Hill Street, Room 723, Los Angeles, CA

180 Howard Street, Room 8B, San Francisco, CA

	<u>Pages</u>
A. ACTION ITEMS	
1. Updates to <i>Rules of Practice of the State Bar Court</i> and to specific State Bar Court forms to reflect re-numbering of the California Rules of Court	1-12
2. Conversion of Stipulation Forms to an Electronic Fillable Format	13-62



DATE: November 29, 2006

TO: Executive Committee of the State Bar Court

FROM: Doug Hull

SUBJECT: Updates to *Rules of Practice of the State Bar Court* and to specified State Bar Court Forms to reflect re-numbering of the California Rules of Court

EXECUTIVE SUMMARY

Effective January 1, 2007, the California Rules of Court ("Rules of Court") will be re-numbered. Because the *Rules of Practice of the State Bar Court* ("Rules of Practice") and various State Bar Court forms (stipulation forms, 955 compliance declaration, petition for reinstatement) contain references to the Rules of Court, those forms will need to be revised to correct the references to the Rules of Court. It is recommended that the Executive Committee of the State Bar Court approve the conforming changes to the above-mentioned rules and documents. No public comment is required to make these non-substantive changes in conformance with the new law.

DISCUSSION

In June 2006, the Judicial Counsel approved a proposal to reorganize the numbering of the California Rules of Court, including rules regarding law practice, attorneys and judges (Title Nine of the Rules of Court). The language contained in the rules has not been substantively modified. The subparagraphs in the rules have retained their numbering scheme. For example, where Rule 955 is now Rule 9.20, rule 955(a) becomes rule 9.20(a), rule 955(b) becomes rule 9.20 (b) etc.

In advance of this implementation, the State Bar Court has identified the Rule of Practice and all of the forms that contain references to the Rules of Court. The following page contains a chart of the rule numbering changes that were identified. No public comment is required to make these changes, as they are non-substantive technical changes.

Location/Documents to be modified	Old CRC Reference	New CRC Reference
Rules of Practice of the State Bar Court, Rule 1121. (See Appendix A)	983	9.40
Rule 955 Compliance Declaration (Rule 9.20 Compliance Declaration after January 1, 2007) (See Appendix B) ¹	955 953	9.20 9.18
Petition for Reinstatement (first page) (To conserve resources only the relevant page is attached, see Appendix C)	951(f)	9.10(f)
Stip forms: <ul style="list-style-type: none"> Stayed suspension; no actual suspension (pages 4, 5 and order); Actual Suspension (pages 4, 5 and order); Probation Violation—"PM" proceeding (page 5 and order); (To conserve resources, these documents are not attached)	951(b) 953 953(a) 955 (a) and (c)	9.10(b) 9.18 9.18(a) 9.20 (a) and (c)

The proposal is to revise the documents listed in the chart to conform the references to the Rules of Court. In the interest of conserving resources, copies of the stipulation forms are not attached to this item, but are incorporated into the next item on the agenda.

If the Executive Committee wishes to adopt the revisions, your adoption of the following resolution would be appropriate:

RESOLVED that the Executive Committee of the State Bar Court approve the amendment to Rule 1121 of the Rules of Practice of the State Bar Court to conform its references to the re-numbered California Rules of Court effective January 1, 2007, in the form attached hereto as Appendix A;

¹ The updated 955 declaration has been generated using different software than the original 955 declaration. Therefore, the updated declaration form has a slightly different format than the original version. The reason for using different software is that the staff of the court would like to create a fillable version of the form in the future. None of the text, with the exception of the California Rules of Court references, has been modified.

FURTHER RESOLVED that the Executive Committee of the State Bar Court approves the modifications to the Rule 955 compliance declaration to conform its references to the re-numbered California Rules of Court effective January 1, 2007, in the form attached hereto as Appendix B;

FURTHER RESOLVED that the Executive Committee of the State Bar Court approves the modification to the petition for reinstatement to conform its references to the re-numbered California Rules of Court effective January 1, 2007, the first page of which is attached as Appendix C;

FURTHER RESOLVED that the Executive Committee of the State Bar Court approves the modifications to the stipulation forms to conform references to the California Rules of Court effective January 1, 2007. Stipulations tendered on previously approved forms will not be accepted for filing after March 31, 2007.

Rules of Practice of the State Bar Court

RULE 1121. ADMISSION PRO HAC VICE

Motions to appear in the State Bar Court as counsel pro hac vice shall conform to the requirements of rule ~~983~~ **9.40** of the California Rules of Court, except that the filing, service and determination of such motions shall be in accordance with the general State Bar Court motion rules.

APPENDIX A

State Bar Court

Counsel for Respondent:	For Court's Use Only:
In the Matter of	Case Number(s):
A Member of the State Bar of California	RULE 955 9.20 COMPLIANCE DECLARATION

I, _____, State Bar member number _____, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 955-9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9539.18(a), California Rules of Court):

1. ☐ I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 955 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- ☐ As of the date upon which the order to comply with rule 955-9.20 was filed, I had no clients.
2. ☐ I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- ☐ As of the date upon which the order to comply with rule 955-9.20 was filed, I had no papers or other property to which clients were entitled.
3. ☐ I refunded fees paid any part of which had not been earned.
- ☐ As of the date upon which the order to comply with rule 955-9.20 was filed, I had earned all fees paid to me.
4. ☐ I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 955-9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- ☐ As of the date upon which the order to comply with rule 955-9.20 was filed, I did not represent any clients in pending matters.
5. ☐ In the future, communications may be directed to me at the following address: _____

[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at _____, California, on _____.

Willful failure to comply with the provisions of rule 955 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

(Signature)

(Print Name)

File this declaration at the State Bar Court, 1149 South Hill Street, 5th Floor, Los Angeles, CA 90015-2299

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, _____, State Bar member number _____, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1. ☐ I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
☐ As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2. ☐ I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
☐ As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3. ☐ I refunded fees paid, any part of which had not been earned.
☐ As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4. ☐ I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
☐ As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5. ☐ In the future, communications may be directed to me at the following address: _____

[If this is not your current State Bar membership address, this declaration will change your membership address.
See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at _____, California, on _____.

Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

[Signature]

(Print Name)

File this declaration at the State Bar Court, 1149 South Hill Street, 5th Floor, Los Angeles, CA 90015-2299
(Approved by the State Bar Court Executive Committee 6/07/01; Revised 12/00/06)

**APPENDIX B
(clean version)**

State Bar Court
Hearing Department ☐ **Los Angeles** ☐ **San Francisco**

Petitioner	(for Court use only)
Counsel for Petitioner	
In the Matter of Petitioner For Reinstatement. Former Bar Number;	Case Number (to be assigned by State Bar Court) PETITION FOR REINSTATEMENT AFTER DISBARMENT OR RESIGNATION (Rule 951- 9.10(f), California Rules of Court; Rules 660 - 666, Rules of Procedure of the State Bar of California)
<p><u>NOTE</u></p> <p>PETITIONER MUST CONTINUE TO UPDATE THE INFORMATION CONTAINED IN THE PETITION WHENEVER CHANGES TO THE INFORMATION OCCUR AND SHALL PROVIDE SUCH UPDATES PROMPTLY TO BOTH THE STATE BAR COURT AND TO THE OFFICE OF CHIEF TRIAL COUNSEL.</p>	
<p>All information which cannot be set forth in the space provided shall be included in attachments on consecutively numbered pages, commencing with page 8, that reference the section of the petition being addressed.</p> <p style="text-align: right;">Total number of pages, including all attachments:</p>	

I, _____, the above-named petitioner, having read the California Rules of Court, rule 951-9.10(f), and rules 660 through 666 of the Rules of Procedure of the State Bar of California, do hereby petition for reinstatement as a member of the State Bar of California based on the following grounds:

1. ELIGIBILITY TO APPLY FOR REINSTATEMENT (check all that apply)

- a. ☐ Petitioner was disbarred, effective date: _____.
- ☐ Petitioner resigned without disciplinary charges pending, effective date: _____.
- ☐ Petitioner resigned with disciplinary charges pending, effective date: _____.
- b. ☐ Petitioner was interimly suspended or enrolled inactive immediately preceding disbarment or resignation, effective date: _____.

APPENDIX C



DATE: December 1, 2006

TO: Executive Committee of the State Bar Court

FROM: Doug Hull

SUBJECT: Conversion of Stipulation Forms to an Electronic Fillable Format

EXECUTIVE SUMMARY

The State Bar Court uses pre-printed forms for the stipulated disposition of State Bar Court proceedings and the associated conditions ("stipulation forms"). This agenda item requests the Executive Committee approve the adoption of electronic fillable versions of the stipulation forms. The language contained in the proposed forms will not modify the language previously approved by the State Bar Court Executive Committee. No public comment is required to make these changes, as they are non-substantive changes.

DISCUSSION

The State Bar Court Executive Committee approved the use of stipulation forms in the disposition of State Bar Court proceedings. Currently, those forms are copied or printed out by the parties (generally the deputy trial counsel) and either filled in by hand or placed into a typewriter to be completed. These forms are circulated to the respondent and/or their counsel for review and modification, if necessary, and signature. If modifications are required, then the form must either be recreated or corrected with manual techniques. This can lead to the submission of forms that are difficult to read.

To address this issue, the State Bar Court has developed interactive stipulation forms using the language approved by the Executive Committee. The proposal before you would make these interactive forms the standard, required documents to be submitted in State Bar Court proceedings.

The proposed forms would allow the preparer to create and store the stipulation forms electronically. These forms will not allow the parties to change the language that was approved by the Executive Committee. These forms provide entry fields to enter the agreed upon language in the stipulation, but lock down the approved language so that it cannot be modified. Once a document is created and stored electronically, the parties can modify it as necessary. In order to accommodate the possibility that a stipulation form needs to be filled out manually, it is proposed that these fillable forms will also be available in hard copy format. This will allow the preparer the flexibility of using the stipulation forms either electronically or manually.

The proposed modifications will provide the court with the benefit of receiving stipulation forms that are easily read by all parties. These forms also place the court in the position of being able to accept forms electronically if the court should engage in electronic filing. These modifications also save time for the entire discipline system, as documents do not have to be recreated to incorporate modifications.

Due to the limitations of the software used (Microsoft Word), there are a couple of production issues. The first is that the parties will not be able to format the text in the entry boxes provided on the form. This can be an issue when the parties wish to italicize a case citation. The second issue is that while most of the pages are automatically paginated, the conditions pages, if any, and the order form pages must be paginated manually. The Court will continue to work to address these issues.

The following forms are attached to this item for your review:

Stipulation Forms	Appendix	Pages
Actual Suspension*	A	17-24
Stayed Suspension*	B	25-32
Probation Violation*	C	33-40
Reproval	D	41-48
Program	E	49-52
 Conditions Forms		
Financial Conditions	F	53-54
Substance Abuse Conditions	G	55-56
Law Office Management Conditions	H	57-58
Medical Conditions	I	59-60
 Other		
Nolo Contendere Plea	J	61-62

If you agree with the proposed conversion of the stipulation forms to a fillable format, the adoption of the following resolution would be appropriate:

RESOLVED that the Executive Committee of the State Bar Court adopts the conversion of the current stipulation forms to an electronic, fillable format, attached hereto as Appendices A – J, effective January 1, 2007. Stipulations tendered on previously approved forms will not be accepted for filing after March 31, 2007.

* These items also have modifications to incorporate the renumbering of the California Rules of Court. See agenda item A.1.

State Bar Court of California
Hearing Department

Counsel For The State Bar [REDACTED]	Case Number (s) [REDACTED]	(for Court's use)
Bar # [REDACTED] [REDACTED] [REDACTED] Bar # [REDACTED]		
In the Matter Of: [REDACTED] Bar # [REDACTED] A Member of the State Bar of California (Respondent)	Submitted to: [REDACTED] STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted [REDACTED].
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of [REDACTED] pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

- (8) **Payment of Disciplinary Costs**—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- ☐ costs to be paid in equal amounts prior to February 1 for the following membership years: ☐
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case ☐
- (b) ☐ Date prior discipline effective ☐
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations: ☐
- (d) ☐ Degree of prior discipline ☐
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
☐
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. ☐
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property. ☐
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. ☐
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. ☐
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings. ☐
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. ☐
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. [REDACTED]
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. [REDACTED]
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. [REDACTED]
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. [REDACTED]
- (5) ☐ **Restitution:** Respondent paid \$ [REDACTED] on [REDACTED] in restitution to [REDACTED] without the threat or force of disciplinary, civil or criminal proceedings. [REDACTED]
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her. [REDACTED]
- (7) ☐ **Good Faith:** Respondent acted in good faith. [REDACTED]
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. [REDACTED]
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. [REDACTED]
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. [REDACTED]
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. [REDACTED]
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation. [REDACTED]
- (13) ☐ **No mitigating circumstances** are involved. [REDACTED]

Additional mitigating circumstances

[REDACTED]

D. Discipline:

(1) ☐ **Stayed Suspension:**

- (a) ☐ Respondent must be suspended from the practice of law for a period of .
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. ☐ and until Respondent does the following: .
- (b) ☐ The above-referenced suspension is stayed.

(2) ☐ **Probation:**

Respondent must be placed on probation for a period of , which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953 9.18, California Rules of Court)

(3) ☐ **Actual Suspension:**

- (a) ☐ Respondent must be actually suspended from the practice of law in the State of California for a period of .
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. ☐ and until Respondent does the following: .

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☐ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☐ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason:

- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 954 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☐ No MPRE recommended. Reason:

- (2) ☐ **Rule 955 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this

- (3) ☐ **Conditional Rule 955 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

(Do not write above this line.)

Attachment language begins here (if any):

[REDACTED]

(Do not write above this line.)

In the Matter Of [REDACTED]	Case Number(s): [REDACTED]
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953 9.18(a), California Rules of Court.)**

Date

Judge of the State Bar Court

State Bar Court of California Hearing Department [REDACTED]		
Counsel For The State Bar [REDACTED]	Case Number (s) [REDACTED]	(for Court's use)
Bar # [REDACTED] [REDACTED]		
Bar # [REDACTED]		
In the Matter Of: [REDACTED]	Submitted to: [REDACTED]	
Bar # [REDACTED]	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted [REDACTED].
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of [REDACTED] pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

- (8) **Payment of Disciplinary Costs**—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ costs added to membership fee for calendar year following effective date of discipline.
☐ costs to be paid in equal amounts prior to February 1 for the following membership years: ☐
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case ☐
- (b) ☐ Date prior discipline effective ☐
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations: ☐
- (d) ☐ Degree of prior discipline ☐
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. ☐
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. ☐
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property. ☐
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. ☐
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. ☐
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings. ☐
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. ☐
- (8) ☐ **No aggravating circumstances** are involved. ☐

Additional aggravating circumstances

☐

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. [REDACTED]
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. [REDACTED]
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. [REDACTED]
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. [REDACTED]
- (5) ☐ **Restitution:** Respondent paid \$ [REDACTED] on [REDACTED] in restitution to [REDACTED] without the threat or force of disciplinary, civil or criminal proceedings. [REDACTED]
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her. [REDACTED]
- (7) ☐ **Good Faith:** Respondent acted in good faith. [REDACTED]
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. [REDACTED]
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. [REDACTED]
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. [REDACTED]
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. [REDACTED]
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation. [REDACTED]
- (13) ☐ **No mitigating circumstances are involved.** [REDACTED]

Additional mitigating circumstances

[REDACTED]

D. Discipline:

- (1) ☐ **Stayed Suspension:**
 - (a) ☐ Respondent must be suspended from the practice of law for a period of [REDACTED].

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: ☐.

The above-referenced suspension is stayed.

(2) ☐ **Probation:**

Respondent is placed on probation for a period of ☐, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☐ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) ☐ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: ☐.
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 954 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☐ No MPRE recommended. Reason: ☐.

- (2) ☐ **Other Conditions:**

☐

(Do not write above this line.)

Attachment language (if any):

[REDACTED]

(Do not write above this line.)

In the Matter Of [REDACTED]	Case Number(s): [REDACTED]
--------------------------------	-------------------------------

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953 9.18(a), California Rules of Court.)**

Date

Judge of the State Bar Court

State Bar Court of California
Hearing Department

<p>Counsel For The State Bar</p> <p>[REDACTED]</p>	<p>Case Number (s)</p> <p>[REDACTED]</p>	<p>(for Court's use)</p>
<p>Bar # [REDACTED]</p> <p>[REDACTED]</p> <p>Bar # [REDACTED]</p>		
<p>In the Matter Of:</p> <p>[REDACTED]</p> <p>Bar # [REDACTED]</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: [REDACTED]</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PROBATION VIOLATION—"PM" PROCEEDING</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted [REDACTED].
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of [REDACTED] pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

- (8) **Payment of Disciplinary Costs**—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ costs added to membership fee for calendar year following effective date of discipline (no actual suspension).
- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure (actual suspension).
- ☐ costs to be paid in equal amounts prior to February 1 for the following membership years: ☐
- ☐ (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case ☐
 - (b) ☐ Date prior discipline effective ☐
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations: ☐
 - (d) ☐ Degree of prior discipline ☐
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline." ☐
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. ☐
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property. ☐
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. ☐
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. ☐
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings. ☐
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. ☐
- (8) ☐ **No aggravating circumstances** are involved. ☐

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. [REDACTED]
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. [REDACTED]
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. [REDACTED]
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. [REDACTED]
- (5) ☐ **Restitution:** Respondent paid \$ [REDACTED] on [REDACTED] in restitution to [REDACTED] without the threat or force of disciplinary, civil or criminal proceedings. [REDACTED]
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her. [REDACTED]
- (7) ☐ **Good Faith:** Respondent acted in good faith. [REDACTED]
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. [REDACTED]
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. [REDACTED]
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. [REDACTED]
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. [REDACTED]
- (12) ☐ **No mitigating circumstances are involved.** [REDACTED]

Additional mitigating circumstances:

[REDACTED]

D. Discipline (choose only one):

- (1) ☐ **Probation extended:** Respondent's probation in [REDACTED] is extended for [REDACTED].

- (2) ☐ **Probation revoked; Probation Reinstated; Actual Suspension:** Respondent's probation is revoked and reinstated for [] on the same terms and conditions as previously imposed in []. The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for [].
- (3) ☐ **Probation revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation is revoked and reinstated for [] on the same terms and conditions as previously imposed in []. The terms of probation remain the same as in the prior order except as indicated below.
- (4) ☐ **Probation revoked; Probation not Reinstated; Actual Suspension:** Respondent's probation is revoked. Respondent must be suspended from the practice of law for [].

E. In addition to conditions previously imposed by the Supreme court in its prior order, the following new conditions are recommended by this stipulation:

- (1) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (3) ☐ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☐ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.
- In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.
- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any

inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: ☐.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

☐

- (1) ☐ Probation Conditions Deleted or Modified: ☐.
- (2) ☐ **Rule 955 9.20, California Rules of Court:** Respondent must comply with the provisions of subdivisions (a) and (c) of rule 955 9.20, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (3) ☐ **Conditional Rule 955 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the provisions of subdivisions (a) and (c) of rule 955 9.20, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

(Do not write above this line.)

Attachment language (if any):

[REDACTED]

(Do not write above this line.)

In the Matter Of [REDACTED]	Case Number(s): [REDACTED]
--------------------------------	-------------------------------

ORDER

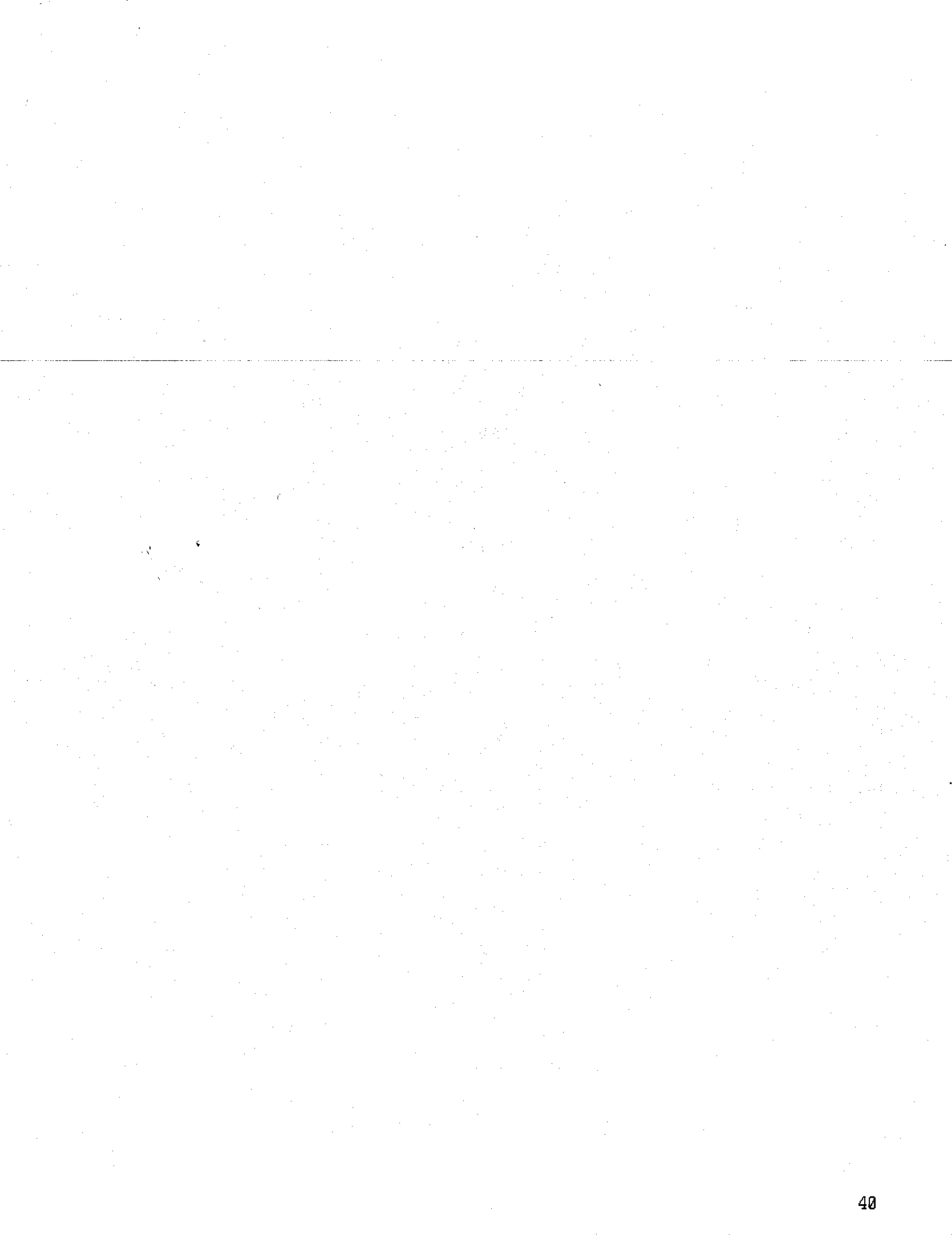
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953 9.18(a), California Rules of Court.)**

Date

Judge of the State Bar Court



State Bar Court of California Hearing Department		
Counsel For The State Bar [REDACTED]	Case Number (s) [REDACTED]	(for Court's use)
Bar # [REDACTED] [REDACTED]		
Bar # [REDACTED]		
In the Matter Of: [REDACTED]	Submitted to: [REDACTED]	
Bar # [REDACTED]	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
A Member of the State Bar of California (Respondent)	[REDACTED] REPROVAL	
	[REDACTED] PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted [REDACTED].
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of [REDACTED] pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(8) **Payment of Disciplinary Costs**—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ costs added to membership fee for calendar year following effective date of discipline (public reproof)
☐ case ineligible for costs (private reproof)
☐ costs to be paid in equal amounts for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
☐ costs entirely waived

(9) **The parties understand that:**

- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) ☐ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1) ☐ **Prior record of discipline** [see standard 1.2(f)]

- (a) ☐ State Bar Court case # of prior case
- (b) ☐ Date prior discipline effective
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
- (d) ☐ Degree of prior discipline
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. [REDACTED]
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. [REDACTED]
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings. [REDACTED]
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. [REDACTED]
- (8) ☐ **No aggravating circumstances** are involved. [REDACTED]

Additional aggravating circumstances:

[REDACTED]

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. [REDACTED]
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. [REDACTED]
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. [REDACTED]
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. [REDACTED]
- (5) ☐ **Restitution:** Respondent paid \$ [REDACTED] on [REDACTED] in restitution to [REDACTED] without the threat or force of disciplinary, civil or criminal proceedings. [REDACTED]
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her. [REDACTED]
- (7) ☐ **Good Faith:** Respondent acted in good faith. [REDACTED]
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. [REDACTED]
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. [REDACTED]
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. [REDACTED]

- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. [REDACTED]
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation. [REDACTED]
- (13) ☐ **No mitigating circumstances** are involved. [REDACTED]

Additional mitigating circumstances:

[REDACTED]

D. Discipline:

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☐ **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) ☐ Respondent must comply with the conditions attached to the reproof for a period of [REDACTED].
- (2) ☐ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☐ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☐ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance.

During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.

- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: ☐.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
- ☐ No MPRE recommended. Reason: ☐.
- (11) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

☐

(Do not write above this line.)

Attachment language (if any):

██████

(Do not write above this line.)

In the Matter Of [REDACTED]	Case Number(s): [REDACTED]
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

Judge of the State Bar Court

**State Bar Court of California
Hearing Department**

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

Counsel For The State Bar [REDACTED]	Case Number (s) [REDACTED]	(for Court's use)
Bar # [REDACTED] [REDACTED]		
[REDACTED]		
Bar # [REDACTED]		
In the Matter Of: [REDACTED]	Submitted to: [REDACTED]	
Bar # [REDACTED]	STIPULATION RE FACTS AND CONCLUSIONS OF LAW	
A Member of the State Bar of California (Respondent)	<input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted [REDACTED].
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of [REDACTED] pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.

(Stipulation form approved by SBC Executive Committee 9/18/2002. Rev. 12/16/2004.)

Program

- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. [REDACTED]
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. [REDACTED]
- (5) ☒ **Restitution:** Respondent paid \$ [REDACTED] on [REDACTED] in restitution to [REDACTED] without the threat or force of disciplinary, civil or criminal proceedings. [REDACTED]
- (6) ☒ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her. [REDACTED]
- (7) ☒ **Good Faith:** Respondent acted in good faith. [REDACTED]
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of Oany illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. [REDACTED]
- (9) ☒ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. [REDACTED]
- (10) ☒ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. [REDACTED]
- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. [REDACTED]
- (12) ☒ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation. [REDACTED]
- (13) ☒ **No mitigating circumstances** are involved. [REDACTED]

Additional mitigating circumstances:

[REDACTED]

(Do not write above this line.)

In the Matter Of [REDACTED]	Case Number(s): [REDACTED]
--------------------------------	-------------------------------

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

Date

Judge of the State Bar Court

In the Matter of

Case number(s):

A Member of the State Bar

Financial Conditions**a. Restitution**

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than .

b. Installment Restitution Payments

- ☒ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004.)

Page #

Appendix F Data Entry fields represented by gray boxes ()

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

In the Matter of

Case number(s):

Substance Abuse Conditions

- a. ☐ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

- b. ☐ Respondent must attend at least meetings per month of:

☐ Alcoholics Anonymous

☐ Narcotics Anonymous

☐ The Other Bar

☐ Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. ☐ Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. ☐ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. ☐ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

(Substance Abuse Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004.)

Page #

Appendix G Data Entry fields represented by gray boxes



(Substance Abuse Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004.)

Page #

Appendix G Data Entry fields represented by gray boxes ()

In the Matter of

Case number(s):

A Member of the State Bar

Law Office Management Conditions

- a. Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

(Law Office Management Conditions for approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004.)

Appendix H Data Entry fields represented by gray boxes ()

In the Matter of

Case number(s):

Medical Conditions

- a. ☐ Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. ☐ Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for days or months or years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. ☐ Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

(Medical Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004)

Page #

Appendix I Data Entry fields represented by gray boxes ()

In the Matter of

Case number(s):

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere**, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date

Signature

Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004.)

